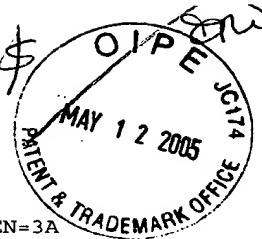


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: NIELSEN, et al.
 Serial No.: 09/845,716
 Filed: May 2, 2001
 For: USE OF A-MSH AND EPO FOR PREVENTING OR TREATING...
 Confirmation No.: 3819

Art Unit: 1647
 Examiner: DEBERRY, R.
 Washington, D.C.
 Atty.'s Docket: NIELSEN=3A
 Date: May 12, 2005



U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314
 Sir:

Transmitted herewith is an [XX] Amendment [XX] Declaration of Thomas Jonassen in the above-identified application.
☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☒ Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted.
☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
☐ No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)		Small Entity		Other Than a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra		Rate		Additional Fee
Total	10	Minus	20	0		x 25	\$	x 50	\$
Indep.	2	Minus	3	0		x100	\$	x200	\$
First Presentation of Multiple Dependent Claim						180	\$	+360	\$
TOTAL ADDITIONAL CLAIMS FEE							\$	Total	\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
 The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col.1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petit

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity Response Filed Within		Other Than Small Entity Response Filed Within	
[XX] First	- \$ 60.00	[] First	- \$ 120.00
[] Second	- \$ 225.00	[] Second	- \$ 450.00
[] Third	- \$ 510.00	[] Third	- \$1020.00
[] Fourth	- \$ 795.00	[] Fourth	- \$1590.00
[] Fifth	- \$1080.00	[] Fifth	- \$2160.00

[] Less fees (\$) already paid for months extension of time on

[] Please charge my Deposit Account No. 02-4035 in the amount of \$. A duplicate copy of this sheet is attached.

[] A check in the amount of \$ is attached (check no.).

[XX] Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$60.00 is attached.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case.

This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

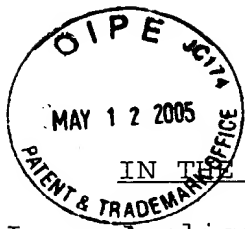
05/13/2005 SZEWDIE1 00000068 09845716

BROWDY AND NEIMARK, P.L.L.C.
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 Telephone: (202) 628-5197

60.00 OP

By:
 IVER P. COOPER
 Registration No. 28,005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1647
)	
NIELSEN, et al.)	Examiner: DEBERRY, REGINA
)	
Serial No.: 09/845,716)	Washington, D.C.
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Filed: May 2, 2001)	May 12, 2005
)	
For: USE OF α -MSH AND EPO FOR)	Docket No.: NIELSEN=3A
PREVENTING OR TREATING)	
ISCHEMIC CONDITIONS)	Confirmation No.: 3819

AMENDMENT UNDER RULE 1.115

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Alexandria, VA 22314

S i r :

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.